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FILED
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U.S. DISTRICT COURT, E.D.N.Y.
★ SEP 10 2004 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---X
SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

- against -

JEROME SWARTZ, et. al.,

Defendants.
---X

ORDER

03-CV-2034 (NGG)

GARAUFIS, District Judge.

The court having so ordered the proposed order for realignment, the court hereby orders the defendants' motion to dismiss (filed on September 22, 2003) be deemed withdrawn, as agreed to by the defendants. The new plaintiffs have thirty (30) days from the date of this order to either file an amended complaint in this action or dismiss this action and pursue these claims in an already pending action in Delaware Chancery Court.

SO ORDERED.

Dated: September 9th, 2004
Brooklyn, New York

signed/

NICHOLAS G. GARAUFIS
United States District Judge